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LEGISLATURE OF THE STATE OF IDAHO
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1 AN ACT
2 RELATING TO TELEHEALTH ACCESS; AMENDING CHAPTER 57, TITLE 54, IDAHO CODE, BY
3 THE ADDITION OF A NEW SECTION 54-5714, IDAHO CODE, TO PROVIDE FOR INTER-
4 STATE TELEHEALTH.

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Chapter 57, Title 54, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 54-5714, Idaho Code, and to read as follows:

9 54-5714. INTERSTATE TELEHEALTH. (1) Notwithstanding any Idaho law or
10 rule to the contrary, or unless specifically prohibited or limited by fed-
11 eral law, a provider who is not located in Idaho may provide telehealth ser-
12 vices to an Idaho patient. Such provider may remotely provide telehealth
13 services to a patient through the use of telehealth technologies.

14 (2) A provider who engages in telehealth services under this section to
15 provide health care services to a patient, shall:

16 (a) Hold current, valid, and unrestricted licensure from an applicable
17 health care licensing authority in a state, district, or territory of
18 the United States;

19 (b) Hold a license to provide health care services that has not been
20 subject to any past or pending discipline by a licensing authority in
21 any state or federal jurisdiction, excluding any action related to non-
22 payment of fees related to a license;

23 (c) Act in compliance with existing requirements regarding the mainte-
24 nance of liability insurance;

25 (d) Remain subject to Idaho jurisdiction if either the patient or the
26 provider is located in Idaho at the time services are provided; and

27 (e) If applicable, hold a controlled substance license or permit that
28 has never been suspended or revoked by a state or the United States drug
29 enforcement administration.

30 (3) The standard of care for interstate providers who provide health
31 care services under this section shall be the same as the Idaho community
32 standard of care for providers under this chapter generally. A provider
33 shall be prohibited from delivering interstate telehealth services if the
34 provider is not in full compliance with applicable laws, rules, and regula-
35 tions, including this chapter and the Idaho community standard of care. A
36 provider who fails to comply with applicable laws, rules, and regulations
37 and the Idaho community standard of care shall be subject to discipline.
38 Nothing in this section shall shield a provider from personal jurisdiction
39 in Idaho.

40 (4) For the purposes of this section, any act that constitutes the de-
41 livery of health care services is deemed to occur at the place where the pa-
42 tient is located at the time the act is performed or in the patient's county

1 of residence. Venue for a civil or administrative action initiated by the
2 department of health and welfare, the appropriate board, or a patient who re-
3 ceives telehealth services from an out-of-state provider may be located in
4 the patient's county of residence or in any other applicable county in Idaho.

5 (5) Nothing in this section shall shield a provider from any privacy
6 safeguards under the health insurance portability and accountability act of
7 1996.

8 (6) Any licensing authority responsible for issuing licenses to pro-
9 vide health care services in this state shall promulgate rules if necessary
10 to implement this section.

